

O.A. Nos. 633/96, 790/96, 840/96, and 42/97

Friday, this the 12th day of September, 1997.

CORAM

HON'BLE MR P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

O.A.No.633/96

1. T.R. Kesavan,
Stenographer, S.C.No.12720,
Purchase & Stores Division,
Vikram Sarabhai Space Centre,
Indian Space Research Organisation,
Thiruvananthapuram - 695 022.
2. C.K. Hariharan,
Stenographer, S.C.No. 12014,
Rocket and Payload Fabrication Facility ..do..
3. N. Reghuran,
Stenographer, S.C.No. 25204,
Navigation Systems Division,
ISRO Inertial Systems Unit ..do..
4. C. Sukumaran Nair,
Stenographer, S.C.No.16157,
Quality Division -Material &Fabrication(QDMF) ..do..
5. J. Velayudhan,
Stenographer, S.C.No. 47810,
External Fabrication Activities ..do..
6. R. Sreedharan,
Stenographer, S.C.No. 16119,
Advanced Electronics Fabrication Techniques Divn..do..
7. G. Yohannan,
Stenographer, S.C.No. 28408,
Safety Section ..do..
8. K.G. Unnikrishnan Nayar,
Stenographer, S.C.No. 27741, Recruitment,..do...
9. G. Radhakrishnan Nair,
Stenographer, S.C.No. 25514, Director's Office, ..do..
10. M. Babu,
Stenographer, S.C.No. 20717, Accounts ..do..

..Applicants

By Advocate Mr N. Govindan Nair.

Vs.

1. Union of India, represented by its Secretary,
Department of Space,
Antariksh Bhavan, New B.E.L. Road,
Bngalore - 560 054

(contd..p/2)

- 2
2. The Director,
Vikram Sarabhai Space Centre, I.S.R.O(Post),
Thiruvananthapuram - 695 022.

..Respondents

By Advocate Mr C.N. Radhakrishnan.

O.A. No.790/96

1. E.K. Gopalakrishnan,
Stenographer, S.C.No.21593, Central Documentation Divn.,
Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram- 695 022.
2. K.P. Ramachandran Pillai,
Stenographer, S.C.No.34942, External Fabrication
Activities, Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram- 695 022.
3. C.G. Sudhakara Rao,
Stenographer, S.C.No. 16098, Systems Reliability,
Vikram Sarabhai Space Centre, ISRO, Thiruvananthapuram-695 022.
4. P.R. Krishnamoorthy,
Stenographer, S.C.No.22946,
Intertial Systems Unit, Vikram Sarabhai Space Centre,
I.S.R.O, Thiruvananthapuram- 22.
5. G. Dharmarajan,
Stenographer, S.C.No.21159,
Vikram Sarabhai Space Centre Accounts,
I.S.R.O., Thiruvananthapuram - 695 022.
6. K. Ramani Amma,
Stenographer, S.C.No.14952,
Purchase & Stores Division,
Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram-695 022.
7. N.K. Unnithan,
Stenographer, S.c.No.. 22826, Controller's Office,
Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram-695 022.
8. K. Leela, Stenographer, S.C.No.23219,
Electromagnetic Division,
Vikram Sarabhai Space Centre,
I.S.R.O, Thiruvananthapuram- 695 022.
9. T.C. Abraham, Stenographer, S.C.No.20279,
Disciplinary & Legal Section,
Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram.
10. A.G. Saraswathy Amma,
Stenographer, S.C.No. 26850, Establishment,
Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram.
11. J. Sujatha,
Stenographer, S.C.No.26738, Stores,
Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram- 695 022.

..Applicants

..(Contd..p/3)

By Advocate Mr N. Govindan Nair.

Vs.

1. Union of India, represented by its Secretary,
Department of Space, Antariksh Bhavan,
New B.E.L. Road, Bangalore- 560 054.
2. The Director,
Vikram Sarabhai Space Centre,
Indian Space Research Organisation(Post),
Thiruvananthapuram- 695 022.

..Respondents

By Advocate Mr C.N. Radhakrishnan.

O.A. No.840/96

1. M.G.C. Pillai,
Stenographer, S.c.No.10926,
Avionics Entity, Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram- 695022.
2. K.V. Joseph,
Stenographer, S.c.No.22377,
Ammonium Percholate Experimental Plant.,
I.S.R.O., Erumathala P.O., Alwaye.
3. M.V. Mani,
Stenographer,, S.No.23449, Ammonium Percholate
Experimental Plant, I.S.R.O.,
Erumathala P.O., Alwaye.
4. Y. Samuel,
Stenographer, S.C. No.16013,
Mechanical Fabrication Facility,
Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram-695 022.
5. K. Ambika,
Stenographer, S.C.No.20170, PPEC/PCM,
Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram- 695 022.
6. P.V. Sreedharan,
S.C.No.26232, CGDG,
Vikram Sarabhai Space Centre,
I.S.R.O, Thiruvananthapuram - 695 022.
7. B. Lakshmi,
Stenographer, S.C.No. 23269, CEC,
Vikram Sarabhai Space Centre,
I.S.R.O, Thiruvananthapuram- 695 022.
8. C.K. Santhamma,
Stenographer, S.c. No.26853,
MEE Purchase, Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram- 695 022.
9. Jyothy Rajeev,
Stenographer, S.c.No.22482,
G.S.L.V, Vikram Sarabhai Space Centre,
I.S.R.O., Thiruvananthapuram- 695 022.

10. P. Goudaman,
Stenographer, S.C.No. 21633,
FRPD, Reinforced Plastic Complex,
I.S.R.O., Thiruvananthapuram- 695 022.
11. L. Padmakumari,
Stenographer, S.C.No. 24552,
CMS, Reinforced Plastic Complex,
I.S.R.O., Vattiyoorkavu, P.O., Thiruvananthapuram.

..Applicants

By Advocate Mr N. Govindan Nair.

Vs.

1. Union of India, represented by its Secretary,
Department of Space, Antariksh Bhavan,
New B.E.L. Road, Bangalore- 560054.
2. The Director, Vikram Sarabhai Space Centre,
I.S.R.O. (Post), Thiruvananthapuram- 695 022.

..Respondents

By Advocate Mr C.N. Radhakrishnan.

O.A. No.42/97

1. H. Hariharan,
Stenographer, S.C.No.22044,
Personnel & General Administration,
Liquid Propulsion Systems Centre,
I.S.R.O., Valiamala Complex,
Valiamala (PO), Nedumangad, Trivandrum- 695 547.
2. P. Ushakumari Amma,
Stenographer, S.C. No.64000,
Personnel & General Administration ..do..
3. B. Gita,
Stenographer, S.C.No. 21785,
Personnel & General Administration ..do..
4. M.M. Joseph,
Stenographer, S.c.No. 22483, PPEG ..do..
5. K.L. Mary,
Stenographer, S.C.No. 23549, CSP ..do..
6. Mrs. K. Paulose,
Stenographer, S.C.No. 14364, Purchase & Stores ..do..

..Applicants

By Advocate Mr N. Govindan Nair.

Vs.

1. Union of India, represented by its Secretary,
Department of Space, Antariksh Bhavan,
New B.E.L. Road, Bangalore- 560 054.
2. The Director,
Liquid Propulsion Systems Centre,
Valiamala Complex, Valiamala Post,
Nedumangad, Thiruvananthapuram- 695 547.

.. Respondents

By Advocate Mr C.N. Radhakrishnan.

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The applications having been heard on 27.8.1997,
the Tribunal delivered the following on 12.9.97.

O R D E R

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

Facts pleaded, reliefs sought, and the question involved are identical in all these four Original Applications and hence these Original Applications are disposed of by a common order.

2. Applicants aggrieved by rejecting their request for parity in pay with Assistants in the Indian Space Research Organisation seek to quash the orders rejecting their request and to issue a Writ of Mandamus or any other appropriate writ or order directing the respondents to grant them the pay scale of Rs.1640 - 2900 with effect from 1.1.1986.

3. Applicants in O.A.633/96 seek to quash A7 to A16. Applicants in O.A.790/96 and O.A.840/96 seek to quash A7 to A17. Applicants in O.A.42/97 seek to quash A7 to A12.

4. Applicants are Stenographers working in various sections in the Indian Space Research Organisation (for short, ISRO) in the pay scale of Rs.1400 - 2600. They claim parity in pay with Assistants working in ISRO in the scale of pay of Rs.1640 - 2900. Applicants say that Stenographers are not granted the benefit of revised scale of pay of Rs.1640 - 2900 granted to Assistants of ISRO in spite of the fact that they are classified together with Assistants for purposes of revision of pay hitherto. Representations submitted by the applicants were rejected by the respondents as per the Annexures under attack.

5. Respondents say thus. In ISRO the Stenographic staff are classified as under:

1. Junior Stenographer Rs.1200-2040 Group C.
2. Stenographer Rs.1400-2600 Group C
3. Personal Assistant A Rs.1640-2900 Group B(Non Gazetted).
4. Personal Assistant C Rs. 2000-3200 Group B(Gazetted).

6. The post of Stenographer is not supervisory in nature. Stenographers are attached to Senior Officers/Scientists in the organisation. Their duties include taking dictations in shorthand, typing and providing logistic support to the officers to whom they are attached. Stenographers and Assistants A borne on the rolls of ISRO Centres/Units were holding the pre-revised scale of Rs.425 - 700 (not Rs.425 - 800) and hence were not eligible for placement in the revised scale of Rs.1640 - 2900. Assistants A in ISRO Centres/Units have been granted revised scale of Rs.1400 - 2600 with effect from 1.1.1986. The duties and responsibilities of Assistants are not the same as that of Stenographic staff. The posts are created based on functional justification and it may not be possible to have the similar grade structure in all the categories. Assistants in ISRO play a vital role in the administrative area and are in majority cases confined to desk related office jobs and are also assigned with project related work. To enable the Senior Scientists/Engineers/officers to discharge their duties efficiently in connection with the execution of the Projects and Programmes of the Department, the level of Secretarial Assistants to be provided to them has to be to commensurate with the post/grade and the functional needs. There is,

therefore, to be some gradation in such category of posts. The responsibility of Secretarial staff are quite different from that of the administrative staff and there cannot be a comparison. In view of the fact that Assistants are playing a vital role in the administrative area to meet the challenging needs of the organisation, it has been decided to assign a higher pay scale to the existing Assistants B while bringing qualitative improvement in such category. Higher scale of pay of Rs.1640 - 2900 has been granted to the post of Personal Assistant A which is a promotion post for Stenographers in their direct line of promotion. Stenographers are eligible to compete for the post of Assistant Officers in the grade of Rs. 2000 - 3200 on completion of 5 years residency period as Stenographers as in the case of Assistant A. But in the case of Assistant B they can compete for the post of Assistant Officers on completion of 3 years residency period or on completion of 5 years combined services as Assistant A and Assistant B. Assistants and Stenographers in ISRO Centres/Units are not classified together. Assistants have to be familiar with various Rules/guidelines regarding the administrative policies of the Government while dealing with various questions relating to service conditions of the staff/officers. They have to maintain various records and files etc. Such requirements do not exist in the case of Stenographers attached to Officers/Scientists. The post of Stenographer is a promotion post for junior Stenographers. Higher scale of pay of Rs.1640 - 2900 has been granted to the post of Personal Assistant A which is a promotion post for Stenographers.

7. A6 dated 17.5.95 is the O.M. issued by Government of India, Department of Space granting scale of Rs.1640 - 2900 to the post of Assistant B in ISRO Centres/Units.

Applicants rely on A6 and say that they should be granted the same scale of pay. In para-2 of A6 it is stated thus:

"ISRO continuously attempts to ensure the quality of its manpower, both scientific/technical and administrative, to meet the challenging needs of the organisation. To plan and execute highly complex and schedule critical projects, administrative staff of a high quality matching the quality of Scientists/Engineers are essential. Administrative Staff in ISRO, are not confined to desk related jobs but are also assigned project related works. In view of the fact that the Assistants B play a vital role in the administrative area and their next level of promotion is Assistant Officers, at which level they have to shoulder varied and complex responsibilities, it has been under the consideration of the Department to assign a higher pay scale to the existing Assistants B, while bringing in qualitative improvement in such category."

8. A3 is the O.M. dated 31.7.90 issued by the Government of India, Ministry of Personnel, Public Grievances & Pension, Department of Personnel & Training wherein it is stated that the President is pleased to prescribe the revised scale of pay of Rs.1640 - 2900 for the pre-revised scale of Rs. 425 - 800 for duty posts included in the Assistant Grade of Central Secretariat Service and Grade C Stenographers of Central Secretariat Stenographers Service with effect from 1.1.1986. It is further stated therein that the same revised pay scale will also be applicable to Assistants and Stenographers in other organisations like Ministry of External Affairs which are not participating in

the Central Secretariat Service and Central Secretariat Stenographers Service but where the posts are in-comparable scale with same classification, pay scales and method of recruitment through open Competitive Examination is also the same. A3 cannot be of any help to the applicants for the reason that the scale of pay Rs.1640 - 2900 is granted to those who were in the pre-revised scale of Rs.425 - 800. The applicants admittedly were not in the pre-revised scale of Rs.425-800, but only in the scale of Rs.425-700. The benefit extended as per A3 to Assistants and Stenographers in other organisations, like the Ministry of External Affairs etc. is only to those who are holding posts in the comparable grades with same classification and pay scales and the method of recruitment through open competitive is also the same.

9. According to applicants, they are doing similar work of Stenographers in scientific institution and laboratories in Council of Scientific and Industrial Research and Indian Council of Medical Research to whom revised pay scale has been granted as per A3 and so they are to be placed in the same position as employees in other departments. It is not enough in an O.A. before the Administrative Tribunal to state that the work done by the applicants and the Stenographers in other departments are identical, but the evidence also should be stated. There is no mention of any evidence in the O.A. with regard to the similarity in nature of the work of the applicants and the Stenographers in other institutions, like scientific institution and laboratories in Council of Industrial Research and Indian Council of Medical Research. There is absolutely no material produced by the applicants to show that the work done by them is similar to the work done by the Stenographers in scientific institution and laboratories in Council of Scientific and Industrial Research

and Indian Council of Medical Research and also Assistants B in ISRO.

10. Learned counsel for the applicants drew our attention to V.R.Panchal and others Vs. Union of India through its Secretary, Department of Personnel and Training, New Delhi and others[1996(2) SLJ 682]. There it is a case where the clear averment in the O.A. that the quality and nature of work, functions, duties and responsibilities of the Section Officers vis-a-vis Crime Assistants, Grade C Stenographers vis-a-vis Personal Assistants of CBI are identical and similar in all respects was not denied by the respondents in their reply statement. Here it is not so. The averment in the O.A. that the applicants are doing similar nature of work with whom parity in pay is claimed is denied by the respondents categorically in the reply statement. In that case there was ample material to show the similarity in the nature of work and the Tribunal found that so far as the duties and responsibilities of the applicants therein as Crime Assistants and Personal Assistants are concerned they are equal to that of their counterparts working in the civil secretariat in the cadres of CSS and CSSS. It was also found that even the Department of Personnel had found parity between the duties and responsibilities of the applicants therein working as Crime Assistants with that of Assistants of CSS. It is only on that basis it was held by the Tribunal that the applicants are entitled to parity in pay with their counterparts claimed therein.

11. The principle of equal pay for equal work would not be applicable where the qualitative difference in function and responsibilities is apparent. The stress is upon the

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similarity of skill, effort, and responsibility when performed under similar conditions. Quality of work may vary from post to post. It could be very well vary from institution to institution and also within the same institution. One cannot overlook or ignore this reality. It is not a matter of assumption. There is no material to arrive at a conclusion that the duties, responsibilities and functions of the applicants are similar to those with whom the applicants seek parity in scale of pay. So, the applicants have failed to establish that their duties, responsibilities and functions are similar to Assistants B in ISRO or Stenographers working in other departments. Applicants have also failed to establish that the distinction between their pay scale and that of Assistants B in ISRO or Stenographers in scientific institution and laboratories in Council of Scientific and Industrial Research and Indian Council of Medical Research is either irrational and that it has no basis, or that it is vitiated by mala fides, either in fact or law.

12. In State of Haryana and others Vs. Jasmer Singh and others [(1996) 11 SCC 77], the Apex Court has observed that the principle of equal pay for equal work is not always easy to apply. There are inherent difficulties in comparing and evaluating the work done by different persons in different organisations, or even in the same organisation. The quality of work performed by different persons holding different jobs will have to be evaluated. There may be differences in educational or technical qualifications which may have a bearing on the skills which the holders bring to their job although the designation of the job may be the same. There may also be other considerations which have relevance to the efficiency in service which may justify differences in pay scales on the basis of criteria such as experience

and seniority, or a need to prevent stagnation in the career, so that good performance can be elicited from persons who have reached the top of the pay scale. There may be various other similar considerations which may have a bearing on efficient performance in a job. The Apex Court has more than once observed that evaluation of such jobs for the purposes of pay scale must be left to expert bodies and unless there are mala fides, its evaluation should be accepted.

13. In ISRO the Stenographic staff are classified as under:

1. Junior Stenographer - Rs.1200 - 2040 Group C
2. Stenographer - Rs.1400 - 2600 Group C
3. Personal Assistant A Rs.1640 - 2900 Group B (non Gazetted)
4. Personal Assistant C Rs.2000 - 3200 Group B (Gazetted).

Applicants are Stenographers in the pay scale of Rs.1400 - 2600. They claim parity in pay with Assistant B in the scale of Rs. 1640 - 2900. The scale of pay of Assistant B in ISRO and scale of pay of Personal Assistant A in ISRO is the same i.e., Rs.1640 - 2900. The post of Personal Assistant A in Group B is a promotion post for Stenographer who is in Group C. If the applicants in the scale of Rs.1400 - 2600 in Group C are granted the pay scale of Rs.1640 - 2900 granted to Personal Assistants A in Group B, Personal Assistants A may have to be granted a higher scale of pay. That means a new scale of pay is to be formulated. It is not for the Tribunal to direct formulation of new grades. Basically, the evaluation of critical appraisal of different grades for different categories of officials is within the

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jurisdiction of executive authorities.

14. Accordingly, all these four Original Applications are dismissed. No costs.

Dated the 12th of September, 1997.

sd/-
A.M. SIVADAS
JUDICIAL MEMBER

sd/-
P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

P/10-9

CERTIFIED TRUE COPY
Date

Deputy Registrar